

09-17-04

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PATENT

OFFICE OF PETITIONS

DOCKET NO.: PH-7345-A /BMS-0891

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

James R. McCarthy

Application No.: 09/995,159

Filing Date: November 27, 2001

For: CRF RECEPTOR ANTAGONISTS AND METHODS RELATING THERETO

EXPRESS MAIL LABEL NO: EV 386739386 US

DATE OF DEPOSIT: September 15, 2004

EV386739386US

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Office of Petitions
Crystal Park One - Suite 520
(M.P.E.P § 1002.02(b), 7th ed.)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR § 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper reply to the Notice of Allowance dated April 20, 2004, which set a three (3) month/day period for reply. A Notice of Abandonment has not yet been received, but, since Applicants are now aware that the Issue Fee was not timely paid, they do not wish to delay in reviving the application.

**APPLICANT(S) HEREBY PETITIONS FOR THE REVIVAL OF THIS
APPLICATION**

Petition fee (37 CFR § 1.17m):

Small Business entity - fee \$665.00

Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.

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- Applicant(s) by its/their undersigned attorney claims small entity status under 37 CFR § 1.27 as:
- an Independent Inventor
- a Small Business Concern
- a Nonprofit Organization
- Other than a Small Business entity - fee \$1,330.00.

Reply and/or fee:

The reply to the above-noted Office Action

- in the form of was previously filed on .
- is enclosed herewith.

The Issue Fee of \$1,330.00

- was previously paid on .
- is enclosed herewith. The original Notice of Allowance and Issue Fee Due has been lost. Attempts to obtain a copy of the Notice from the Examiner have not, as of this date, been successful, as the Examiner has apparently been unable to obtain access to the file. A replacement Part B- Fee(s) Transmittal is included.

Terminal disclaimer with disclaimer fee:

- Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer and disclaimer fee (37 CFR § 1.20(d)) disclaiming a period equivalent to the period of abandonment is enclosed herewith. (See PTO/SB/63)

STATEMENT

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional.

Payment of fee(s):

- A check in the amount of \$2,990.00 is attached (\$1330 for Petition Fee, \$1330 for Issue Fee, \$300 for Publication Fee and \$30 for Additional Copies). Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- Please charge Deposit Account No. 23-3050 in the amount of \$.00. This sheet is attached in duplicate.
- The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.
- This Petition is enclosed in duplicate.

Date: September 15, 2004



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